

EXHIBIT G

In The Matter Of:
Newell Rubbermaid, Inc. vs.
Lofts, LLC

David Meiri PH.D.
Vol. II
June 9, 2016



Bingham Farms/Southfield • Grand Rapids
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens • Saginaw

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1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF MICHIGAN

3 SOUTHERN DIVISION

4

5 NEWELL RUBBERMAID, INC.,)

6 Plaintiff/)

7 Counterdefendant,)

8 vs.) No. 1:15-cv-00597-RJJ

9 KIRSCH LOFTS, LLC,)

10 Defendant/)

11 Counterplaintiff.) VOLUME II

12

13

14 The continued deposition of

15 DAVID MEIRI, PhD, called for examination pursuant

16 to the Rules of Civil Procedure for the United

17 States District Courts pertaining to the taking of

18 depositions, at 233 South Wacker Drive, Suite 7500,

19 Chicago, Illinois, on June 9, 2016, at the hour of

20 11:29 a.m.

21

22

23

24 Reporter: Kimberly D. Bures, CSR, RDR, CRR, CRC.

25 Illinois CSR License No.: 084-003292.

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1 APPEARANCES:

2 BILA & ASSOCIATES, PLLC, by:

3 MR. DENNIS W. BILA,

4 321 Spring Street, Suite A,

5 Harbor Springs, Michigan 49740,

6 (231) 526-9678,

7 bila@bilalaw.com,

8 representing the plaintiff;

9

10 SCHIFF HARDIN LLP, by:

11 MR. GABRIEL M. RODRIGUEZ, and

12 MR. J. MICHAEL SHOWALTER,

13 233 South Wacker Drive, Suite 6600,

14 Chicago, Illinois 60606,

15 (312) 320-0364,

16 grodriguez@schiffhardin.com,

17 mshowalter@schiffhardin.com,

18 representing the defendant;

19

20 GOLDSTEIN & MCCLINTOCK LLLP, by:

21 MR. DANIEL C. CURTH,

22 208 South LaSalle Street, Suite 1750,

23 Chicago, Illinois 60604,

24 (312) 337-7700,

25 danc@goldmclaw.com,

representing the deponent.

ALSO PRESENT:

MR. CARL J. GABRIELSE, and

MR. SCOTT BOSGRAAF.

* * * * *

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1 I N D E X

2 WITNESS EXAMINATION

3 DAVID MEIRI, PhD

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6 By Mr. Bila (Further) 191

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1 E X H I B I T S

2 NUMBER MARKED FOR ID

3 Deposition Exhibit

4 Exhibit 12...e-mail from Mr..... 114

5 Meschede to Dr. Meiri

6 dated 7/6/09

7 Exhibit 13...e-mail from Mr. Franks... 121

8 to Dr. Meiri dated

9 9/23/09

10 Exhibit 14...e-mail from Mr. Franks... 123

11 to Mr. Bosgraaf dated

12 3/22/10

13 Exhibit 15...e-mail from Mr. Franks... 126

14 to Mr. Meschede dated

15 8/5/10

16 Exhibit 16...e-mail from Mr. Franks... 128

17 to Dr. Meiri dated

18 10/25/10

19 Exhibit 17...e-mail from Mr. Franks... 132

20 to Dr. Meiri dated

21 4/10/12

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25 Exhibit 19...e-mail from Mr. Franks... 134

to Dr. Meiri dated

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Exhibit 20...Kirsch source area..... 136

diagram, 0 - 2 feet

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diagram, 2 - 30 feet

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diagram, 30 - 60 feet

Exhibit 23...report of Dr. Meiri..... 149

dated 10/2/12

Exhibit 24...letter to Mr. Franks..... 155

from Dr. Meiri dated

6/24/11

Exhibit 25...letter to Mr. Meschede... 161

from Mr. Franks dated

8/17/11

Exhibit 26...letter to Mr. Franks..... 170

from Dr. Meiri dated

6/20/12

Exhibit 28...sketch for Job..... 144

No. 25366459

(Exhibit 27 was not introduced.)

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1 **BY MR. BILA:**
2 Q. The goal was to propose a cleanup criteria
3 that required less -- smaller geographical scope
4 and less time spent running the system.
5 **A. Smaller footprint and perhaps shorter**
6 **remediation time.**
7 Q. And the only way that could have been
8 accomplished is if the cleanup criteria standard
9 was changed so that you're removing less TCE.
10 **MR. CURTH:** Can I hear that question back
11 please?
12 (Record read as requested.)
13 **THE WITNESS:** Yes.
14 **BY MR. BILA:**
15 Q. Who would benefit from a change in the
16 cleanup criteria?
17 **MR. CURTH:** Objection, calls for speculation.
18 **BY MR. BILA:**
19 Q. I'll rephrase it. Would Newell benefit
20 from having a smaller footprint and less time spent
21 running the system from a cost basis?
22 **MR. CURTH:** Objection, calls for speculation.
23 **THE WITNESS:** It's not a matter of benefit.
24 It's a matter that this is protective for the human
25 health and environment, so this number is still

1 **A. No. The cleanup number increase from the**
2 **default, which was 100 part per -- 100 part per**
3 **billion, to higher document.**
4 Q. What document do you have that establishes
5 that?
6 **A. The final leach study reported was**
7 **submitted to the agency.**
8 Q. The agency being the MDEQ?
9 **A. MDEQ. Was proposed, was being discussed,**
10 **reviewed and informally approved, been submitted to**
11 **the agency.**
12 Q. The MDEQ.
13 **A. I mean MDEQ, correct, yeah.**
14 Q. So you've submitted a report to the MDEQ.
15 **A. Final report.**
16 Q. A final report to the MDEQ. And when was
17 that submitted, if you can recall?
18 **A. I don't know the date. I don't recall the**
19 **date.**
20 Q. And you have informal notice from the MDEQ
21 that they are going to change the cleanup criteria.
22 **A. No. I did not say this. I have informal**
23 **discussion with the MDEQ and their statistician**
24 **that they are going to approve our final proposed**
25 **cleanup criteria.**

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1 protective for the human health and environment.
2 It's not a benefit or disbenefit.
3 **BY MR. BILA:**
4 Q. I understand you're saying you want to
5 protect the people of Sturgis. Wouldn't decreasing
6 the footprint and decreasing the amount of time the
7 system was running decrease the overall cost?
8 **A. My job as a consultant is to find the most**
9 **cost-effective remedy and solution that is still**
10 **protective. This is my job.**
11 Q. That wasn't my question. Is it cheaper to
12 operate in a smaller footprint for less time?
13 **A. Yes.**
14 Q. And Newell was the party responsible for
15 paying for whatever cleanup operations took place
16 and whatever footprint was established for whatever
17 duration of time is required, true?
18 **A. Yes.**
19 Q. Did the leach test result in a change in
20 the cleanup criteria?
21 **A. Yes.**
22 Q. How did it result in a change in the
23 cleanup criteria?
24 **A. Increase the cleanup criteria.**
25 Q. It made the scope of the work bigger.

1 Q. And what is the final proposed cleanup
2 criteria?
3 **A. I don't remember the exact number, but**
4 **they are higher than the number that was -- the**
5 **default number.**
6 Q. And how did you communicate with the MDEQ,
7 and how did they communicate with you that they
8 were approving a change in the cleanup criteria?
9 **A. I do have an e-mail from -- and perhaps**
10 **I'm sure you have a copy of them, that the**
11 **statistician -- the statistician review and approve**
12 **our number, and I got an e-mail from Michigan DEQ,**
13 **from Rob Franks that we'll submit this report and**
14 **he will approve our -- with our numbers.**
15 Q. So as we sit here today, the cleanup
16 criteria has not changed.
17 **A. Correct.**
18 Q. But you've been told by the MDEQ that it's
19 going to change.
20 **A. I never use the word change. I say I was**
21 **told they are going to approve our new numbers.**
22 Q. Which are different from the numbers that
23 are currently in place.
24 **A. They are different from the default**
25 **numbers.**